IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4206 of 2005

Between:

J.Ravi, E.No.201617 Ex.Conductor,

Falaknama Depot, APSRTC
H.No.4-812/1 Sri Sainagar,

Nandimuraliguda, Kishanbagh
Hyderabad.

..... PETITIONER

AND

1 The APSRTC,

rep., by its Vice Chairman and Managing Director, APSRTC,
Musheerabad, Hyderabad.
2 The regional Manager,

Hyderabad City Region APSRTC,

JBS Picket, Secunderabad.
3 The Divisional Manager (CR),

APSRTC Koti Terminus, Hyderabad.
4 The Depot Manager,

APSRTC, Falaknama Depot, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or direction more particularly one in the nature of writ of certiorari and to call the records relating to ID No.72/2001 from the Industrial Tribunal-I, Hyderabad A.P. and quash the same as arbitrary and illegal and consequently direct the

respondents to reinstate the petitioner into service along with back wages, continuity of service and all other attendant benefits.

Counsel for the Petitioner: Mr. B.H.R.CHOWDARY

Counsel for the Respondents: Mr. V.T.M.PRASAD

The Court at the admission stage made the following :

ORDER:

This Writ Petition is filed seeking to call for the records relating to I.D No.72/2001, from the Industrial Tribunal-I, Hyderabad A.P., and quash the same, as the same is arbitrary and illegal, and consequently, to direct the respondents to reinstate the petitioner into service along with back wages, continuity of service and all other attendant benefits.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned standing counsel appearing on behalf of the respondents.

3. The petitioner was issued a charge sheet vide proceedings No.02/95(91)97-FM dated 18-08-1997, containing the following two charges:

Charge No.1: "Though you were not on duty you were found issuing Holiday tickets to the passengers at Charminar Bus station unauthorizedly on 03-08-1997 at 13.30 hours which constitutes mis-conduct in terms of Regulation No.28 (XXXii) of APSRTC Employees Conduct Regulations, 1963".

Charge No.2 : "You were alleged found issuing Holiday tickets to the passengers on 03-08-1997 at Charminar Bus station at 13.30 hours not on your charted duty on the above datge and time and you were issuing Holiday tickets with invalid way bill No.0622/10997070 dated 04-06-1997 which constitutes mis-conduct in terms of Regulation No.28 (XXXii) of APSRTC Employees Conduct Regulations 1963".

Thereby, a regular departmental enquiry was conducted, in which the charges levelled against him were proved and the petitioner was suspended, vide Suspension Order No.02/95(91)97-FM dated

18-08-1997. Subsequently, the petitioner was removed from service vide Proceedings No.02/95/97-FM, dated 12-12-1997. Questioning the same, the petitioner preferred an appeal before the Divisional Manager and the same was

dismissed vide Proceedings No.PA/20(137)/97 DVM/CR, dated 23-03-1998, and the revision petition was also dismissed on 16-09-1999. Aggrieved by the same, petitioner preferred I.D.No.72 of 2001 before the Industrial Tribunal-I, Hyderabad, and the same was also dismissed on 05-03-2002. Challenging the same, the present Writ Petition has been filed.

4. Learned counsel for the petitioner contended that the punishment imposed on the petitioner is highly disproportionate to the proved misconduct and that the way bill No.0622/10997070, dated 04-06-1997, and the cash said to have been received by the petitioner have not been established and therefore, prays to set aside the same.

5. On the other hand, the learned standing counsel appearing for the respondents contended that the Industrial Tribunal gave a categorical finding that the evidence made by the respondent proves the case of misconduct of the petitioner and there are no grounds to interfere with the proceedings under challenge and the parameters of the *certiorari* jurisdiction are very much circumscribed unless the findings are not based upon the evidence or the principles of natural justice have been violated or the petitioner has denied the opportunity to adduce evidence, normally, this Court will not interfere with the order of the Tribunal. The Tribunal, after an elaborate consideration, came to the conclusion that the evidence, would clearly goes to show that, it is a clear case of misconduct. It is also found that the petitioner was not expected to retain the holiday tickets with him and sell the same while he was not on duty, especially without entering them in the statistical report. Therefore, it is a misconduct committed by the petitioner under Regulation 28(XXXii)of APSRTC Employees Conduct Regulations, 1963, and there is no defect or discrepancy in the impugned order. Therefore, the order under challenge does not suffer from any incurable infirmities, so as to call for the interference of this Court.

6. The Writ Petition is devoid of merits and the same is accordingly dismissed.

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(K.C.BHANU,J)

4th March, 2005.

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To

1 The Vice Chairman and Managing Director,

APSRTC,

Musheerabad, Hyderabad.

2 The regional Manager,

Hyderabad City Region APSRTC,

JBS Picket, Secunderabad.

3 The Divisional Manager (CR),

APSRTC Koti Terminus, Hyderabad.

4 The Depot Manager,

APSRTC, Falaknama Depot, Hyderabad.

5 Two CD copies

6 One CC to MR.CHOWDARY